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CONSULTANTS

OCT 22 9 37 AM '96

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OCT 11 1996

September 23, 1996

AUDIO SERVICES DIVISION

Mr. William A. Caton, Secretary  
FEDERAL COMMUNICATIONS COMMISSION  
1919 M Street, N.W.  
Room 222  
Washington, D.C., 20554

DOCKET FILE COPY ORIGINAL

OCT 11 1996  
FCC

RE: Petition for Rule Making  
WFOV(FM) Chatom, AL

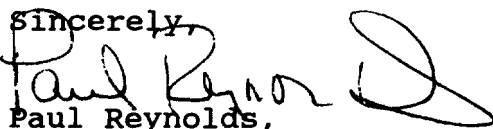
Dear Mr. Caton:

Enclosed please find the original and four duplicate of a petition for rule making we wish to file for Capital Assets, Inc., permittee of WFOV(FM) Chatom, Alabama. The CP is now past the time period for objections and therefore Capital is now in a position to seek a change in the city of license for channel 291C3 (WFOV).

A copy labeled "Receipt Stamp Copy" is also attached. Please have someone receipt stamp this copy and return it to us for our files.

Thank you for your assistance in getting this petition filed.

Sincerely,

  
Paul Reynolds,  
Consultant

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AUDIO SERVICES DIVISION

Enclosure(s)

BROADCAST INDUSTRY TECHNICAL CONSULTANTS

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List ABCDE

045  
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**Before the**  
**FEDERAL COMMUNICATIONS COMMISSION**

**Washington, D.C. 20554**

In The Matter of )

Amendment of Section 73.202(b), )  
Table of Allotments, )  
FM Broadcast Stations )  
(Grove Hill, Alabama) )

MM Docket

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FCC MAIL ROOM

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AUDIO SERVICES DIVISION

To:

Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

**PETITION FOR RULE MAKING**

Capital Assets, Inc. ("Capital"), a Georgia corporation, and permittee of WFOV(FM) Chatom, Alabama, hereby petitions the Commission to institute a Notice of Proposed Rule Making (NPRM) for the deletion of channel 291C3 at Chatom, Alabama, and the allocation of channel 291C3 to Grove Hill, Alabama, as that Community's first broadcast service. It further requests that the CP of WFOV be changed accordingly. Capital gives the required verifications and also certifies that if the Commission allocates the channel to Grove Hill, it will file an application to modify the existing construction permit.

**PROPOSED CHANGE IN CITY OF LICENSE**

At the current CP site for WFOV(FM), the population within its 60 dBu contour is 35,339 persons. According to

the "uniform distribution method," the population inside the hypothetical 60 dBu (39.1 km radius) at Grove Hill is 42,620 persons, which is a gain of 7,281 persons.

The deletion of channel 291C3 at Chatom, Alabama does not deprive that community of an existing local service, since WFOV has not begun broadcasting.

### CHANNEL 291C3 AT GROVE HILL QUALIFICATIONS

As shown by the attached channel study, channel 291C3, when allocated to Grove Hill, appears to have no short spacing to any known licensed facilities, proposed minor changes or proposed rule makings. It also appears that the nearest short spacing concerns are as follows: WYDH(FM), (channel 290A) Atmore, Alabama, at 174.0° (Degrees) True; WJDB(FM) (channel 238C3), Thomasville, Alabama, at 238.9° (Degrees) True and WKNV(FM), (channel 292A) Brewton, Alabama at 142.8° (Degrees) True. The intersecting of these minimum distance separation contours create the location area for a fully spaced antenna site for channel 291C3 at Grove Hill.

The first attached map shows that the fully spaced site chosen for the instant rule making would cover 100% of the proposed city of license with a hypothetical 70 dBu F(50,50) contour. The distance shown for a class C3 facility (25 kW, 100 meters HAAT) is 23.2 kilometers (14.5 miles). The second attached map shows the available window for channel 291C3 in this section of Alabama (shaded area).

In order to alleviate potential FAA problems, Capital could possibly use an existing structure in excess of 350 feet AGL at a fully spaced reference site under Section 73.215. If the Commission allocates channel 291C3 to Grove Hill as that community's first local aural service, antenna sites in the immediate area of the Capital reference coordinates will be available without FAA obstruction concerns.

### GROVE HILL, ALABAMA

Grove Hill is located in Clarke County, Alabama. It has local banking, a functioning school system, a public library, in addition to police and municipal service systems which give it the required indicia required by the Commission to be a community of license. According to the United States Census Bureau, Grove Hill had a population of 1,551 persons on January 1, 1990. The community is recognized as Census Designated Area by the US Census Bureau. Information from the Alabama Secretary of State depicts that it has a functioning city government and has been an incorporated city for several years. Additionally, it is the county seat of Clarke County, Alabama.

### PETITION SUMMARIZED

The petition for the allocation of channel 291C3 at Grove Hill can be SUMMARIZED as follows:

<u>COMMUNITY</u>	<u>PRESENT</u>	<u>PROPOSED</u>
Grove Hill	-----	291C3
Chatom	291C3	-----

No substitutions of channels in other markets or interruption of service are necessary for this allocation. Since there are no channel deletions or substitutions necessary for the allocation of channel 291C3 at Grove Hill, it can be allotted and applications for a construction permit filed immediately.

### EXPRESSION OF INTEREST

Capital states that it, or an entity in which it is a participant, will construct and daily operate this station, if the channel is deleted at Chatom and substituted at Grove Hill.

### CONCLUSION

Capital Assets, Inc., is petitioning the Commission to institute a Notice of Proposed Rule Making leading to the deletion of channel 291C3 at Chatom, Alabama, and the allocation of channel 291C3 at Grove Hill, Alabama, as that community's first local service. This channel is available for allocation immediately as it requires no other deletions and/or substitutions in other communities. In addition, the allocation will require a site restriction of 17.57 kilometers at 230.1½. Capital certifies that it, or an entity in which it participates, will file a form 301 for the required CP modification at Grove Hill, if the channel is allocated.

## CERTIFICATION

Capital Assets, Inc., Petitioner for the deletion of channel 291C3 at Chatom and the allocation of channel 291C3 at Grove Hill, Alabama (and the modification of the WFOV CP accordingly), do hereby verify that the statements contained in this Petition for Rule Making are true and correct to the best of my knowledge and belief. I represent that this Petition is not filed for the purpose of impeding, obstructing or delaying determination on any other application or petition with which it may be in conflict.

Respectfully Submitted,  
CAPITAL ASSETS, INC.



By: Bennie E. Hewett  
Its President

This 30<sup>th</sup> Day of August, 1996

CAPITAL ASSETS, INC.  
311 Green Street, NE Suite 211  
Gainesville, Georgia 30501

**ENGINEERING STATEMENT  
IN SUPPORT OF A  
PETITION FOR RULE MAKING  
(SEEKING CHANGE IN CITY OF LICENSE)**

**WFOV(FM) GROVE HILL, ALABAMA**

**FILE #: BPH-950417MC**

**WFOV(FM) ALLOCATION STUDY  
(SHOWING A FULLY SPACED CLASS C3 FACILITY)**

Reference Coordinates:

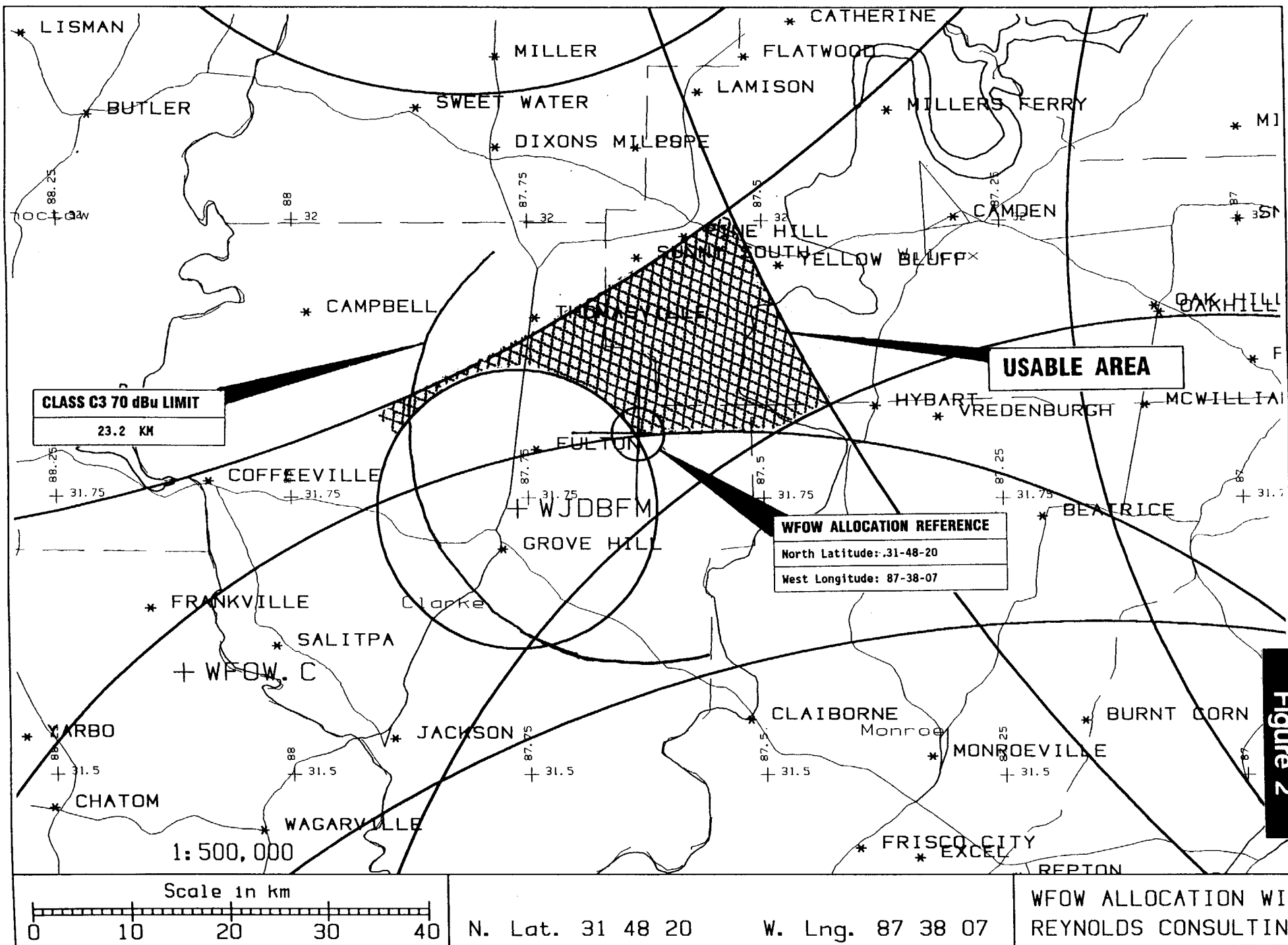
North Latitude: 31-48-20

West Longitude: 87-38-07

(All Distances in kilometers)

			Class C3 Current rules spacings			Search Date	
			Channel 291 -106.1 MHz			08-06-96	
Call	Ch#	City	State	Bear'	Dist'	R'grd	Margin
City of Grove Hill			AL	230.1	17.57		
City Reference Coordinates:							
North Latitude: 31-42-14							
West Longitude: 87-46-39							
WFOV.C	291C3	Chatom	AL	242.6	51.42	153.0	-101.58
Of No Concern							
Replaced by Instant Petition							
WYDH	290A	Atmore	AL	174.0	89.00	89.0	0.00
WJDBFM	238C3	Thomasville	AL	238.9	14.02	14.0	0.02
WKNV	292A	Brewton	AL	142.8	96.45	89.0	7.45
WMXU	291C2	Starkville	MS	329.8	190.95	177.0	13.95
WSTHFM	291C1	Alexander City	AL	62.6	229.52	211.0	18.52
>ALOPEN	291A	Gulf Breeze	FL	164.1	166.82	142.0	24.82
WZNJ	293C3	Demopolis	AL	347.4	79.17	43.0	36.17
WZHT	289C	Troy	AL	82.3	140.57	96.0	44.57

**EXHIBIT E  
Figure 1**



**EXHIBIT E**  
**Figure 2**